

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA )  
v. )      Criminal No. 04-15 (Erie)  
JOHN P. LEONARDOS        )      26 U.S.C. §7201 -Tax Evasion  
                              )  
                              )      Electronically Filed  
                              )

**MOTION TO DELAY REPORTMENT TO FCI MORGANTOWN, WEST VIRGINIA**

AND NOW, to-wit, this 2<sup>nd</sup> day of December, 2005, comes the above named defendant, John P. Leonardos, by and through his attorneys, AMBROSE, FRIEDMAN and WEICHLER, and respectfully requests that this Court enter an Order delaying his reportment to the FCI at Morgantown, West Virginia, from December 6, 2005 to January 7, 2006 and in support sets forth as follows:

1.       The defendant is 65 years of age. He is scheduled to report to the FCI in Morgantown, West Virginia on Tuesday, December 6, 2005 to serve his sentence of one year and one day previously imposed by this Court on June 21, 2005.
2.       The Court imposed the sentence via telephone due to the fact that the defendant had suffered a Cerebral Vascular Accident (CVA) and was confined to the St. Vincent Health Center. Specifically, the CVA was a rupture of an artery in the defendant's brain and resulting partial paralysis.
3.       The defendant has a host of health conditions which have since worsened. The defendant's primary care physician (PCP), Mark Masteller, D.O., is attempting to stabilize the defendant's blood pressure as well as extract fluid from his knee and treat other health related problems. Further, the defendant suffers from unpredictable blood pressure spikes despite medication and other treatments. See Exhibit "A"

4. On December 2, 2005, Assistant United States Attorney Marhsall Piccinini has indicated he has no objection to the defendant's Motion to Delay Reportment to FCI at Morgantown, West Virginia.

WHEREFORE, the defendant respectfully requests that his reportment date to the FCI at Morgantown, West Virginia, be enlarged from December 6, 2005 to January 7, 2006.

Respectfully submitted,

**AMBROSE, FRIEDMAN and WEICHLER**

s/ Leonard G. Ambrose III

Leonard G. Ambrose III, Esquire  
Attorney for Defendant  
319 West 8th Street  
Erie, Pennsylvania 16502  
814/452-3069  
Supreme Court I.D. # 18824